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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,852

09/21/2005

Fredrik Engman

9710-3

9017

30448

7590

05/27/2009

AKERMAN SENTERFITT

P.O. BOX 3188

WEST PALM BEACH, FL 33402-3188

EXAMINER

MAI, HAO D

ART UNIT

PAPER NUMBER

3732

MAIL DATE

DELIVERY MODE

05/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,852	<b>Applicant(s)</b> ENGMAN, FREDRIK	
	<b>Examiner</b> HAO D. MAI	<b>Art Unit</b> 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,7,12-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7,12-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1, 7, 12-14, and 16-21, are objected to because of the following informalities: the word "plastics" is assumed to be in adjective form and therefore should be "plastic".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-2, 7, 12-14, and 16-21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rassoli et al. (5,662,473) in view of Osorio et al. (2001/0021498 A1)**

Regarding claim 1, Rassoli et al. disclose a dental prosthetic assembly comprising a prosthetic dental abutment coping 11 and a dental abutment 10, the coping is shown not premounted (figure 9). It is noted that in Rassoli et al. the coping is called abutment pattern and the abutment is called base. The coping 11 is further disclosed to be rotatably mounted to an abutment with a 360 degrees of freedom (column 2 lines 64-65) and is made of a burn-out material such as plastic (abstract).

Rassoli et al. disclose the invention substantially as claimed except for the coping 11 being anatomically resemblant to a tooth selected from a group consisting of a molar, a premolar, a canine and an incisor. Nevertheless, Rassoli et al. disclose that the coping "may be

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augmented with dental wax or reduced by grinding or similar machining to achieve a desired shape” (column 3 lines 7-11). It is well known in the prosthodontic field to have a coping resemblant a tooth for cosmetic purposes that the prosthetic coping would appear to be natural and better mate with the attached denture. For example, Osorio et al. disclose a coping 12 for use with an abutment 10, the coping 12 being anatomically resemblant to a tooth (Fig. 2A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the coping of Rassoli et al. of a shape that is resemblant to a tooth for cosmetic purposes that the prosthetic coping would appear to be natural and for functional purpose that the coping would better mate with the attached denture.

As to claim 7, Rassoli et al. further disclose the coping is capable of forming a snap fit with the abutment (via annular rib 28 and recess 47) and withstand rotational forces (Fig. 9; column 2 lines 65-67). As to claims 12-13, the coping comprises a burn-out plastic, particularly a polycarbonate resin (abstract; column 4 line 44). As to claim 21, note the transgingival margin 40 (best shown in Fig. 7).

Regarding claims 14, Rassoli et al. disclose all the elements as claimed as detailed above with respect to claims 1. As to claims 16-19, Rassoli et al. further disclose the annular rib 28 on the abutment (base 10) and the recess 47 of the coping 11 as corresponding means for forming a stabilizing retaining joint between the abutment and the coping. As to claim 20, it would have been obvious to one having ordinary skill in the art to have the abutment provided with the annular recess and the coping with the annular lip as a mere reversal of the parts would involve only routine skill in the art

### ***Response to Arguments***

4. Applicant's amendments to the claim(s) have currently overcome Willoughby; the rejection(s) under Willoughby have been withdrawn. Applicant's arguments regarding the

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combination of Rassoli and Osorio are not persuasive. Applicant argued that the combination of Rassoli and Osorio discloses a custom made coping, as opposed to Applicant's invention of a coping selectable from a pre-made range of available plastic copings. The Examiner maintains that Rassoli in view of Osorio disclose the anatomically resemblant coping as claimed. Such coping is inherently "selectable and attachable to an abutment by a clinician" regardless of whether it has been custom made or not.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication and earlier communication from the examiner should be directed to HAO D. MAI whose telephone number is 571-272-4709. The examiner can normally be reached on Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hao D Mai/

Examiner, Art Unit 3732

/Cris L. Rodriguez/

Supervisory Patent Examiner, Art Unit 3732